

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF VIRGINIA  
3 HARRISONBURG DIVISION

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5 WYNN'S EXTENDED CARE, INC.,  
6 Plaintiff,

7 -vs- Civil Action No.  
8 5:13-cv-00114

9 PENNY L. BRADLEY,  
10 Defendant.

11 - - - - -

12 August 29, 2014  
13 Harrisonburg, Virginia

14 Deposition of

15 PENNY BRADLEY,

16 the Defendant, was called for examination by counsel on  
17 behalf of the Plaintiff, pursuant to notice, taken in  
18 the law offices of SHELLEY, CUPP & SCHULTE, 1951 Evelyn  
19 Byrd Avenue, Suite D, Harrisonburg, Virginia, commencing  
20 at 10:39 a.m., before Robin Creswell, a Notary Public in  
21 and for the Commonwealth of Virginia, when there were  
22 present on behalf of the respective parties:

1 APPEARANCES:

2 For the Plaintiff:

3 VIRGINIA M. SADLER, ESQUIRE

4 JORDAN, COYNE & SAVITS, L.L.P.

5 10509 Judicial Drive, Suite 200

6 Fairfax, Virginia 22030

7 (703) 246-0900

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9 For the Defendant:

10 TIMOTHY E. CUPP, ESQUIRE

11 SHELLEY, CUPP & SCHULTE

12 1951 Evelyn Byrd Avenue

13 Suite D

14 Harrisonburg, Virginia 22801

15 (540) 432-9988

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## 1 C O N T E N T S

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3 WITNESS PAGE

4 PENNY BRADLEY

5 Examination by Ms. Sadler 4, 90

6 Examination by Mr. Cupp 79

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## 11 E X H I B I T S

12 EXHIBIT PAGE

13 Bradley Exhibit #1 13

14 Bradley Exhibit #2 15

15 Bradley Exhibit #3 39

16 Bradley Exhibit #4 84

17 Bradley Exhibit #5 87

18 Bradley Exhibit #6 88

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1 Thereupon,

2 PENNY BRADLEY,

3 the defendant, having been duly sworn, was examined and  
4 testified as follows:

5 EXAMINATION BY MS. SADLER:

6 Q. All right. So Ms. Bradley, I'm Virginia Sadler.  
7 I represent Wynn's Extended Care in this lawsuit that  
8 you have filed.

9 Could you state your full name for the record?

10 A. Yes, ma'am. Penny Lynn Bradley.

11 Q. What was the first name?

12 A. Penny.

13 Q. Penny? Okay. And what's your current address?

14 A. 252 Saginaw Lane.

15 Q. Could you spell that?

16 A. S-A-G-I-N-A-W Lane, Stanley.

17 Q. Okay. All right. Stanley, Virginia, I assume.

18 What's your ZIP Code there?

19 A. 22851.

20 Q. All right. Have you ever had your deposition  
21 taken before?

22 A. No, ma'am.

1 22nd.

2 Q. Of 2013?

3 A. Yes, sir.

4 Q. And in relation to when you learned that you  
5 didn't have a warranty, is that right around the same  
6 time?

7 A. Yes, sir.

8 Q. Okay. Do you recall that after you retained  
9 counsel, that a letter was written on your behalf to  
10 Credit Acceptance and to Armstrong Auto Sales?

11 A. Yes, sir.

12 (Thereupon, the document was marked Bradley  
13 Exhibit #6 for identification.)

14 BY MR. CUPP:

15 Q. So I'm handing you what's been marked as Exhibit  
16 6 to your deposition, and I'll ask you to identify that  
17 document.

18 A. Yes, sir. This was after I came to visit with  
19 you guys and asked that you represent me.

20 Q. Okay. And this was -- this document was -- this  
21 letter was sent out on your behalf?

22 A. Yes, sir.

1 Q. In the second full paragraph of Exhibit 6, it  
2 says she further just recently learned that the service  
3 contract she was sold does not cover the problem.

4 A. Yes.

5 Q. She has asked Armstrong Auto to fix the problem  
6 but it has not done so and has stopped communicating  
7 with her.

8 A. Yes.

9 Q. Okay. In relation to when this letter was sent,  
10 it is dated February 27, had you just recently learned  
11 that the warranty or service contract didn't cover the  
12 problem?

13 A. Yes.

14 Q. And I believe you told Ms. Sadler that you made  
15 your last payment in January of 2013 to Credit  
16 Acceptance Corporation?

17 A. Yes, sir.

18 Q. And is that because the light -- the light  
19 problem with the battery first started in that month?

20 A. Yes. I believe so.

21 Q. Okay. Back to Exhibit 5. It shows that there  
22 was a -- apparently a charge for the analysis there of